

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

KRISTINA RAPUANO et al.,

*Plaintiffs, on behalf of themselves and all
others similarly situated,*

v.

TRUSTEES OF DARTMOUTH COLLEGE,

Defendants.

CIVIL ACTION NO. 1:18-cv-01070-LM

**PLAINTIFFS' ASSENTED TO MOTION FOR LEAVE TO FILE
A REPLY TO DEFENDANTS' CONSOLIDATED OPPOSITION
TO PLAINTIFFS' MOTIONS TO PROCEED UNDER PSEUDONYM**

Plaintiffs Jane Doe 2 and Jane Doe 3, by and through their undersigned attorneys, hereby move for leave to file a reply to Defendants' Consolidated Opposition (ECF No. 34) to Plaintiffs' Motion to permit Jane Doe 2 and Jane Doe 3 to proceed under pseudonyms (ECF Nos. 29 and 30).

1. On May 1, 2019, Plaintiffs filed a First Amended Complaint adding Jane Doe 2 and Jane Doe 3 as Plaintiffs (ECF No. 28).

2. On the same day, Plaintiffs filed motions seeking the Court's leave to permit Jane Doe 2 (ECF No. 29) and Jane Doe 3 (ECF No. 30) to proceed under pseudonym.

3. Defendants filed a Consolidated Opposition to the Motions on May 14, 2019. (ECF No. 34).

4. On May 20, 2019, Plaintiffs placed the Court and the parties on notice of their intent to file a reply by filing a motion for leave to exceed the page limits. (*See* ECF No. 35).

5. Plaintiffs sought an additional five pages for their reply because, in part, Defendants filed a single consolidated opposition (ECF No. 34) responding to two separate motions filed by Jane Doe 2 (ECF No. 29) and Jane Doe 3 (ECF No. 30).

6. In addition, Defendants' Consolidated Opposition raises several points that necessitate a reply. First, Defendants raise new legal theories concerning the ability of a Class Representative to proceed under pseudonym. Second, Defendants claim that the sexual assault allegations of Jane Doe 2 and Jane Doe 3 and the risk of additional emotional distress and other substantial harm they have alleged is insufficient to permit them to proceed under pseudonyms. Third, Defendants raises significant arguments concerning the "fundamental fairness" of allowing the two Jane Does to proceed anonymously that require response. Finally, Defendants claim that granting the Jane Does the relief they seek will result in actual prejudice, a claim Plaintiffs should be permitted to address.

7. A copy of Plaintiffs' proposed reply and the two accompanying exhibits are attached as Exhibit 1.

8. **Local Rule 7.1(a):** Because the relief requested herein is within the Court's discretion, no separate memorandum of law is required.

9. **Local Rule 7.1(c):** Plaintiffs' Counsel contacted Defendants' counsel in a good faith effort to obtain their consent to this motion and Defendants responded that Dartmouth does not oppose Plaintiffs' motion for leave to file a reply.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court:

- A. Grant this motion for leave to file a reply to Defendants' objection to the motions of Jane Doe 2 and Jane Doe 3 to proceed under pseudonym;
- B. Grant Plaintiffs leave to file the reply attached as Exhibit 1 hereto; and
- C. Grant such other relief as is just and proper.

Dated: May 22, 2019

Respectfully submitted,

/s/ Deborah K. Marcuse

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2019, a true and correct copy of Plaintiffs' Assented To Motion for Leave to File a Reply to Defendants' Opposition to Plaintiffs' Motions to Proceed Under Pseudonym was served via ECF on the following counsel of record:

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